

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA**

DENNIS WAYNE CARLYLE, )  
Plaintiff, )  
vs. ) 1:11-cv-1151-JMS-DKL  
MICHAEL FOGARTY, et al., )  
Defendants. )

## **Entry Discussing Motion for Reconsideration**

A motion to reconsider is designed to correct manifest errors of law or fact or to present newly discovered evidence. *Publishers Resource, Inc. v. Walker-Davis Publications, Inc.*, 762 F.2d 557, 561 (7th Cir. 1985). For example, a motion for reconsideration is appropriate when: (1) a court has patently misunderstood a party; (2) a court has made a decision outside the adversarial issues presented; (3) a court has made an error not of reasoning but of apprehension; or (4) a change in the law or facts has occurred since the submission of the issue. On the other hand, a motion for reconsideration is an “improper vehicle to introduce evidence previously available or to tender new legal theories.” *Bally Export Corp. v. Balicar, Ltd.*, 804 F.2d 398, 404 (7th Cir. 1986).

The plaintiff seeks reconsideration of the ruling in the Entry issued on January 26, 2012. The request for reconsideration [30] is **denied**, because the court made a correct ruling on the plaintiff's motion to amend and no persuasive basis for reconsidering that ruling has been shown.

For clarity, the plaintiff is notified that nothing in the Entry issued on January 26, 2012, prohibits him from filing a new motion to amend complaint which complies with *Federal Rules of Civil Procedure* 15(a)(2) and Local Rule 15-1 (requiring any motion to amend to include a copy of the proposed amended pleading). Further, Rule 15(a)(2) reflects that there is no current deadline for the

filings of an amended complaint and thus imposing a deadline through a motion for extension of time is unnecessary.<sup>1</sup>

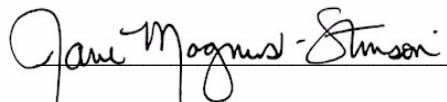
**IT IS SO ORDERED.**

Date: 02/09/2012

**Distribution:**

**Dennis Wayne Carlyle**  
**9425 North Meridian Street**  
**Ste. # 230**  
**Indianapolis, IN 46260**

**All Electronically Registered Counsel**



Hon. Jane Magnus-Stinson, Judge  
United States District Court  
Southern District of Indiana

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<sup>1</sup> At the time the plaintiff filed his motion to amend for extension of time, Rule 15(a)(1) did not apply to him. Rule 15(a)(1) allows a plaintiff to amend his complaint once as a matter of course within 21 days of serving the complaint or 21 days after service of a responsive pleading. The defendants filed their answers to the complaint on December 12, 2011, and December 13, 2011. This 21-day period had already lapsed on January 18, 2012, the day the plaintiff filed his motion for extension of time to file an amended complaint.